

**HAMILTON HEIGHTS, BLOCK 2, LOTS 6 & 7, AP
EIGHT-LOT MAJOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER:

Randy Fifrick



**REVIEWED/
APPROVED BY:**

Tristan Riddell



**PUBLIC HEARINGS/
MEETINGS:**

Planning Board Meeting: 3:00 p.m. November 4, 2009
BCC Public Hearing: 9:00 a.m. December 10, 2009
Deadline for BCC action (60 working days): December 28, 2009

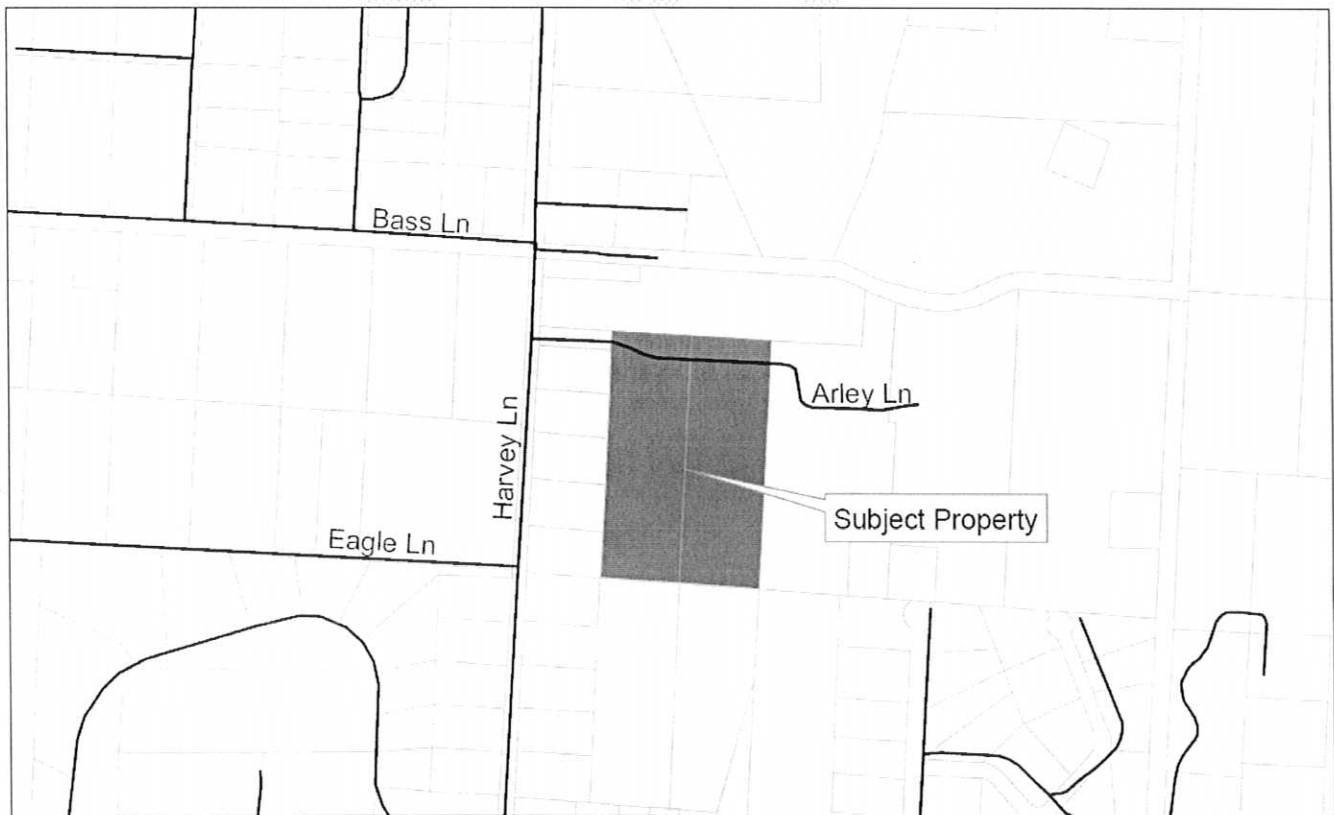
SUBDIVIDER/ OWNER:

Stacey Auch, Misty Vale Dairy
714 US 93 North
Hamilton, MT 59840

REPRESENTATIVE:

Shepherd Surveying
320 Adirondac
Hamilton, MT 59840

LOCATION OF REQUEST: This subdivision is accessed by Arley Lane which is located off of Harvey Lane south of the community of Corvallis. (See Map 1)



Map 1: Location Map

(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Hamilton Heights, Block 2, Lots 6 & 7, AP, located in the NE ¼ of Section 16, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient for public review on September 29, 2009. Agencies were notified of the subdivision on May 12, 2009 and September 29, 2009. Comments received by the Planning Department not included in the subdivision application packet are Exhibits A-1 through A-7 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated September 29, 2009. Public comments have been attached as Exhibit B-1 through B-2.

**DEVELOPMENT
PATTERN:**

Subject property:	Residential and Fallow Agricultural
North:	Residential
South:	Agricultural
East:	Residential
West:	Residential

INTRODUCTION

Hamilton Heights, Block 2, Lots 6 & 7, AP is a proposed major subdivision on 14.3 acres that will result in eight lots that range in size from 1.25 acres to 2.16 acres.

Staff recommends conditional approval of the subdivision proposal.

PLANNING BOARD

NOVEMBER 4, 2009

HAMILTON HEIGHTS, BLOCK 2, LOTS 6 & 7, AP
EIGHT-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Hamilton Heights, Block 2, Lots 6 & 7, AP subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

The following conditions have been recommended to mitigate any perceived negative effects that this subdivision will have on the seven criteria based on the findings of fact and conclusions of law as discussed within the body of this staff report.

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along both sides of the road that crosses Lot 8 to preclude access. The location of the no-ingress/egress restriction can be found on the final plat. This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health and Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the

energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v)(D, E, and F), RCSR, Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at <http://fwp.mt.gov>. (*Section 3-2-8(b)(v)(E), RCSR, Effects on Wildlife*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can

attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)

- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract any ungulates (deer, elk), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that wildlife such as deer can attract mountain lions to the area."
- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- i. Consider boundary **fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences. (Contact FWP for information or a brochure on building fence with wildlife in mind.)
- j. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. **Bats** will occasionally nest or roost in buildings, especially in the summer, information about living with bats is included as an attachment to these covenants. *[The subdivider shall attach the "Living With Bats" brochure published by Montana Fish, Wildlife, and Parks to the covenants]*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s) in accordance with the weed control plan. Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v)(A and D), RCSR, Effects on Agriculture and Natural Environment)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. *(Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Ravalli County Fire Council, which includes the Corvallis Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire Department for further information. *(Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along both sides of the road that crosses Lot 8 to preclude access. The location of the no-ingress/egress restriction can be found on the final plat. This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. *(Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health and Safety)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

- 3. The subdivider shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdivider shall provide a letter from the Corvallis Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a \$900 per newly created lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
7. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
8. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
9. The subdivider shall work with the Corvallis School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed at the intersection of Harvey and Arley Lane. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
10. The subdivider shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Corvallis Post Office that a CBU is not required. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
11. The final plat shall show a no-ingress/egress zone along both sides of the road that crosses Lot 8 to preclude access as shown on the preliminary plat. (*Section 3-2-8(b)(v)(C and F), Effects on Local Services and Public Health & Safety*)
12. The easement for the newly constructed segment of Arley Lane and Arley Spur shall be labeled as a "60-foot wide public road and public utility easement" and shown on the final plat. (*Section 3-2-8(b)(v)(C), Effects on Local Services*)

13. The final plat shall show 10-foot wide irrigation easements centered on all newly proposed irrigation pipelines on the property and all proposed irrigation easements as shown on the preliminary plat, shall be shown on the final plat. (*Section 3-2-8(a) and (b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
14. In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdivider and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: defining building envelopes on each of the proposed lots or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Those items that are not required of this subdivision have been noted by strikethrough.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003) shall be submitted prior to final plat approval (One paper copy may be submitted for the first proofing). The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - (a) Project name
 - (b) Title block
 - (c) Certificate of registered owner – notarized
 - (d) Certificate of registered land surveyor with seal
 - (e) Certificate of governing body approval
 - (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - (g) Certificate of public dedication
 - (h) Certificate of park cash-in-lieu payment
 - (i) ~~Other certifications as appropriate~~
 - (j) North arrow
 - (k) Graphic scale
 - (l) Legal description
 - (m) Property boundaries (bearings, lengths, curve data)
 - (n) Pertinent section corners and subdivision corners
 - (o) Names of adjoining subdivisions/certificates of survey
 - (p) Monuments found
 - (q) Witness monuments
 - (r) Acreage of subject parcel
 - (s) Curve data (radius, arc length, notation of non-tangent curves)
 - (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - (u) Lots and blocks designated by number (dimensions/acreage)
 - (v) Easements/rights of ways (location, width, purpose, ownership)
 - (w) Dedication for public use (boundaries, area, purpose)
 - (x) ~~No-build/alteration zones~~
 - (y) ~~No-ingress/egress zones~~
 - (z) ~~Water resources (rivers, ponds, etc.)~~
 - (aa) Floodplains

- (bb) Irrigation canals including diversion point(s), etc.
 - (cc) ~~High-pressure gas lines~~
 - (dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. ~~Any variance decisions shall be submitted with the final plat submittal.~~
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. ~~A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.~~
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. ~~Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.~~
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
 14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
 15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
 16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
 17. Road certification(s) shall be submitted with the final plat submittal.
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
 20. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
 21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.~~
 22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
 23. ~~Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.~~
 24. A copy of the letter sent to the appropriate school district(s) stating the subdivider has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.

25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - (a) Specific infrastructure improvements potentially required for this subdivision are the construction of the internal subdivision roads, installation of the irrigation delivery system, installation of a CBU and concrete slab, and construction of the bus shelter and/or turnout.
27. The subdivider shall pay the pro rata share of the cost to improve the portions of Bass Lane and Harvey Lane leading to the subdivision's access (Arley Lane) from Eastside Highway prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Arley Lane. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
2. Arley Lane, an existing privately-maintained road, is situated within a 60-foot wide private road and public utility easement. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
3. The other internal subdivision road, Arley Spur, is proposed within a 60-foot wide private road and public utility easement. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The subdivision application provides for utility easements. (Staff Determination)

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access via Eastside Highway, Bass Lane, Harvey Lane, and Arley Lane. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File, Ravalli County GIS Data)
2. Eastside Highway is a state operated roadway. (MDT)
3. Bass Lane is listed as a county-maintained road. (RCSR Exhibit A)
4. Harvey Lane is listed as a county-maintained road. (RCSR Exhibit A)
5. Arley Lane and Arley Spur, the proposed internal subdivision roads, are proposed to be situated within 60-foot wide private road and public utility easements. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)

Conclusion of Law

Based on the classifications of the roads providing access to the subdivision, recommended condition and requirements of final plat approval, staff has determined that both legal and physical access will be provided to all lots within the subdivision. (Staff Determination)

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

Based on recommended conditions and requirements of final plat approval in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements potentially required for this subdivision are the construction of the internal subdivision road, installation of the irrigation delivery system, installation of a CBU and concrete slab, and construction of the bus shelter and/or turnout. (RCSR 3-4-4(a))

Conclusions of Law

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirements 1 and 26).
2. The requirements of final plat approval or a subdivision improvements agreement and guaranty will ensure that all improvements will be installed. (Staff Determination)

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The property is located within and has water shares provided by Daly Ditches Irrigation District. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
2. The subdivider is proposing to reallocate the water shares between the newly created lots. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
3. In a letter dated October 3, 2006, Paul Bertini, Manager of Daly Ditches Irrigation District approved the reallocation of irrigation water for this proposed subdivision. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) reserve and sever all surface water rights from the land.
2. Prior to final plat approval, the subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in 3-1-5(a)(xxxv) of the RCSR. (Final Plat Requirement 20)
3. With the recommended conditions and requirements of final plat approval, this prerequisite will be met. (Staff Determination)

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The Hedge Ditch traverses the property from north to south. The subdivider has proposed a 50-foot easement for the ditch on Lots 5 and 6 and a 15-foot easement for Lots 7 and 8 where the ditch splits. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
2. An existing irrigation ditch runs from east to west along the southern boundary of the parcel. The subdivider has proposed a 15-foot easement through Lots 4 and 5 for the ditch. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
3. The subdivider has provided an irrigation plan that ensures irrigation water delivery to each lot with the subdivision. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. With the recommended condition and requirement of final plat approval, this prerequisite will be met. (Staff Determination)

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

1. The application states that 0.72 acres are required to meet the parkland dedication requirement. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law

1. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
2. Pursuant to RCSR Section 6-1-5(a)(4)(b), the subdivider is proposing to meet the parkland dedication requirement by making a cash donation to the County. (Staff Determination)
3. If the BCC determines that cash-in-lieu is appropriate, the subdivider will be required to hire an appraiser as outlined in Section 6-1-7. The BCC will determine whether or not the amount is acceptable (Final Plat Requirement 12)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
2. This development proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR. (Staff Determination)

2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed. (Staff Determination)

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Ravalli County Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application, Ravalli County Clerk & Recorder's Office)

Conclusion of Law

There are no zoning regulations that apply to the property. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Findings of Fact

1. There are existing covenants for the property filed with the Ravalli County Clerk & Recorder's Office as Document #561784. (Ravalli County Clerk & Recorder's Office)
2. The existing covenants contain no restrictions on lot size or lot use. (Ravalli County Clerk & Recorder's Office Document #561784)

Conclusion of Law

The proposal is in compliance with existing covenants. (Staff Determination and Exhibit A-9)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - (a) Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - (b) Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - (c) Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - (d) Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - (e) Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Daly Ditches Irrigation District Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The subdivider was made aware of the applicable regulations at pre-application conference held on July 18, 2007. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law

1. Prior to final plat approval, the subdivider is required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)
2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

GENERAL BACKGROUND

Findings of Fact:

1. Hamilton Heights, Block 2, Lots 6 & 7, AP is a proposed major subdivision on 14.3 acres that will result in eight lots that range in size from 1.25 acres to 2.16 acres. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
2. The property is currently owned by Misty Vale Dairy. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application, Ravalli County GIS Data)
3. The property is located approximately 3 miles south of the Community of Corvallis off Arley Lane. (Ravalli County GIS Data)

Conclusions of Law:

1. The Ravalli County Subdivision Regulations state that Ravalli County reviews a subdivision proposal for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." (Section 3-2-8(b)(v), RCSR)
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486, Exhibit A-8)
3. The subdivision will be reviewed for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety." (Staff Determination)
4. In subdivision review, Ravalli County "may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through review." (MCA 76-3-608(4))
5. When requiring mitigation, Ravalli County must consult the subdivider and "give due weight and consideration to the expressed preference of the subdivider." (MCA 76-3-608(5)(b))

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposal is comprised of two separate parcels which are classified for tax purposes as residential rural and vacant land rural respectively. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The property is adjacent to agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. The property is presently a fallow agriculture field. (Summary of Probable Impacts - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
4. According to the newest NRCS Web Soil Survey data Subwell gravelly loam, (0 to 4 percent slopes) soil classified as farmland of statewide importance, makes up approximately 93% of the property. (Exhibit A-1)
5. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated common tansy and spotted knapweed was found on the property. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-8(b)(v)(A), RCSR)

2. Subdivision proposals must be evaluated for impacts to prime and important agricultural soils including the loss or disturbance of prime farmland and farmland of statewide importance. (Section 3-2-8(b)(v)(A)(2))
3. The Ravalli County Subdivision Regulations do not include design and development standards or final plat requirements relating to the protection of prime farmland or farmland of statewide importance. (Staff Determination)
4. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
5. The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)
6. With the mitigating conditions and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdivider and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: defining building envelopes on each lot or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (Condition 15)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The property is located within and has water shares provided by Daly Ditches Irrigation District. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
2. The subdivider is proposing to reallocate the water shares between the newly created lots. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
3. In a letter dated October 3, 2006, Paul Bertini, Manager of Daly Ditches Irrigation District approved the reallocation of irrigation water for this proposed subdivision. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
4. The Hedge Ditch traverses the property from north to south. The subdivider has proposed a 50-foot easement for the ditch on Lots 5 and 6 and a 15-foot easement for Lots 7 and 8 where the ditch splits. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
5. An existing irrigation ditch runs from east to west along the southern boundary of the parcel. The subdivider has proposed a 15-foot easement through Lots 4 and 5 for the ditch. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
6. The subdivider has provided an irrigation plan that ensures irrigation water delivery to each lot with the subdivision. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))

2. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) reserve and sever all surface water rights from the land.
3. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (MCA 76-3-504(1)(k))
5. When water rights are to be transferred to one or more lots within a subdivision, an irrigation delivery system must be designed and installed. (RCSR Section 5-6-3)
6. The subdivider shall install an irrigation system that delivers the correct allotment of irrigation water to each lot. (Final Plat Requirement 26)
7. With the mitigating conditions and requirements of final plat approval, and Daly Ditches Irrigation District approval of the proposed reallocation of water shares, impacts of the subdivision on agricultural water user facilities will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agricultural Water User Facilities

- *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
- *The final plat shall show 10-foot wide irrigation easements centered on all proposed irrigation pipelines on the property and all proposed irrigation easements as shown on the preliminary plat, shall be shown on the final plat. (Condition 13)*

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Corvallis Rural Fire District. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File, Ravalli County GIS Data)
2. Notification letters were sent to the Corvallis Rural Fire District requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
3. The Corvallis Rural Fire District has signed on and agreed to a set of Fire Protection Standards as compiled by the Ravalli County Fire Council. The Fire Protection Standards address access, posting of addresses, and water supply requirements. (Exhibit A-2)

School District

4. The proposed subdivision is located within the Corvallis School District. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File, Ravalli County GIS Data)
5. It is estimated that 3.5 school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
6. Notification letters were sent to the Corvallis School Districts requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
7. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be \$6,727 for the Corvallis School District. The tax levy per pupil excluding capital would be \$2,018 for the Corvallis School District. (Exhibit A-3)
6. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-4)
7. The subdivider has not proposed any specific mitigation to lessen the perceived impacts the subdivision will have on the Corvallis School District. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Public Safety Services

8. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
9. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
10. This proposed subdivision is located approximately 5 miles from the Sheriff's dispatch in Hamilton. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application and Ravalli County GIS Data)
11. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 17.5 people to the County. (Census 2000)
12. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Office of Emergency Management (OEM). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
13. The subdivider has not proposed any specific mitigation to lessen the perceived impacts the subdivision will have on Public Safety Services. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Roads

14. There are eight proposed residential lots within this subdivision. It is estimated at build-out that this subdivision will generate a total of 64 additional vehicular trips per day, assuming eight trips per day per lot. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
15. The subject property gains legal and physical access from Eastside Highway, Bass Lane, Harvey Lane, and Arley Lane. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File, Ravalli County GIS Data)
16. Eastside Highway is a state operated roadway. (MDT)
17. Bass Lane, a major local access roadway, is listed as a county-maintained road. (RCSR Exhibit A)

18. Harvey Lane, a major local access roadway, is listed as a county-maintained road. (RCSR Exhibit A)
19. Arley Lane and Arley Spur, the proposed internal subdivision roads, are proposed to be situated within 60-foot wide private road and public utility easements. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)
20. Each lot is proposed to be accessed from the internal roadway. The Ravalli County Road and Bridge Department has issued an approach permit for the proposed internal roadway off Harvey Lane on April 8, 2009. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
21. The subdivider is required to pay the pro rata share of the cost to improve the portions of Bass Lane and Harvey Lane leading to the subdivision from Eastside Highway to meet County standards. The preliminary pro-rata estimate for this subdivision is \$25,478.00 when using the 56 additional trips per day that this subdivision will generate. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Ambulance Services

22. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital and was contacted on May 12, 2009 and September 23, 2009 but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Water and Wastewater Districts

23. The subdivider has proposed individual wells and individual wastewater treatment facilities to serve each lot. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
24. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Solid Waste Services

25. Bitterroot Disposal provides service to this site. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
26. Notification letters were sent to Bitterroot Disposal requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Mail Delivery Services

27. Notification letters were sent to Corvallis Post Office requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received to date. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
28. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-5).

Utilities

29. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
30. Notification letters were sent to the utility companies requesting comments on May 12, 2009 and September 23, 2009. No comments have been received to date from either utility company. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), Section 3-2-8(b)(v)(C), RCSR)

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)

School District

3. A copy of the letter sent to the appropriate school district(s) stating the subdivider has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)
4. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))

Roads

5. The RCRBD's Access Encroachment Policy establishes guidelines for the issuance of approach permits. Section III(c) sets the standards associated with new approaches onto local access roadways. The proposal meets the RCRBD adopted policy. (Ravalli County Resolution No. 2287)
6. Where a subdivision is accessed by a substandard County-maintained road(s), the developer shall contribute to the County an amount equal to the pro-rata share of the improvements necessary to bring said road(s) up to County road standards as described in the County's adopted standards over its relevant length as listed in Table A-I. (RCSR Section 5-4-5(d))
7. The subdivider shall submit a final approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
8. The subdivider shall submit final Road Plans and Grading and Storm Water Drainage Plans certifying that the internal roads have been constructed in accordance with adopted County standards. (Final Plat Requirement 16)
9. The subdivider shall pay the pro-rata share of the cost to improve Bass Lane and Harvey Lane over there relative length from Eastside Highway, leading to the subdivision prior to final plat approval. (Final Plat Requirement 27)

Water and Wastewater Districts

10. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
11. The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)

Solid Waste Services

10. The method of solid waste disposal shall be specified during preliminary plat review. (RCSR Section 5-7-2(a))

Mail Delivery Services

11. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision (RCSR 5-7-3)

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
13. The subdivider shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)

14. With the mitigating conditions and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- A notification of the limitation of access shall be included in the notifications document. (Condition 1)
- Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet Fire District standards. (Condition 2)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
- The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)
- Prior to final plat approval, the subdivider shall provide a letter from the Corvallis Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$900-per-new-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The Corvallis Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, OEM). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)
- The subdivider shall work with the Corvallis School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed along Harvey Lane. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 9)
- To mitigate impacts on local services, the subdivider shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Corvallis Post Office that a CBU is not required. (Condition 10)
- The final plat shall show a no-ingress/egress zone along both sides of the road that crosses Lot 8 to preclude access as shown on the preliminary plat. (Condition 11)
- The easement for the newly constructed segment of Arley Lane and Arley Spur shall be labeled as a "60-foot wide public road and public utility easement" and shown on the final plat.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. Cow Creek runs approximately 350-feet to the northeast of the property. (Ravalli County GIS Data)

Light Pollution

4. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)

Air Quality

5. This proposed subdivision would add seven new homes to an area of existing low density development south of Corvallis. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat) (Site Visit)
6. The Montana Department of Environmental Quality (DEQ) has reviewed the PM_{2.5} (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM_{2.5} dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-6)
7. Sources of particulate from this subdivision could include increased vehicular use and additional wood-burning stoves. (Staff Determination)

Vegetation

8. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated common tansey and spotted knapweed were found on the property. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
9. According to the Montana Natural Heritage Program no plant species of special concern were identified within the same section as the proposal. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
10. No wetland vegetation was observed on the property. (Staff Site Visit 5/5/09)

Historical/Archeological Sites

11. There are no known sites of historical significance on the property. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(D))

Surface Water Features

2. A floodplain analysis shall be submitted along with the preliminary plat application when any portion of a subdivision is within 1,000 horizontal feet of a stream draining an area of 15 miles or more. (RCSR 3-1-5(a)(xl))
3. A floodplain analysis was not required for Cow Creek as its drainage area is smaller than the required 15 square miles. (Staff Determination)

Vegetation

4. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
5. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)

6. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval. (Staff Determination)

Recommended Conditions to Mitigate the Effects on the Natural Environment

- *The notifications shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*
- *The notifications shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. A notification letter was sent to Montana Fish, Wildlife, and Parks (FWP) requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received.
2. FWP has previously provided recommended "living with wildlife" covenants that are appropriate for this subdivision. (Exhibit A-7)
3. According to the Montana Natural Heritage Program the Grey Wolf and Townsend's Big-Eared Bat were identified as an animal species of concern that could exist in the same section as the proposal. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
4. The subdivider submitted a sensitive species report prepared by Theresa Blazicevich, of Log Cabin Environmental Consulting, received July 6, 2009. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
5. In her sensitive species report, Mrs. Blazicevich states gray wolves prefer habitat in close proximity to large native ungulates in areas with few roads and human disturbance. This parcel is located near other homes and near three busy roads, the Eastside Highway, Hamilton Heights Road, and Bass Lane and would not be preferred habitat for the wolf. (Sensitive Species Report - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
6. In addressing the Townsend's Big-Eared Bat in her sensitive species report, Mrs. Blazicevich states the bat species of concern prefer woodlands, riparian areas, and caves. This parcel does not have woodlands or caves. The irrigation ditches could provide limited riparian area with insects for feeding bats. Since the ditches will not be disturbed, this habitat should remain. There are buildings on or near the property. Since bats will occasionally nest or roost in buildings, especially in the summer, information about living with bats could be distributed to future owners of the property. (Sensitive Species Report - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486)
3. With the mitigating condition of approval, impacts on wildlife will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife

- *The covenants shall include a living with wildlife section. (Condition 2)*

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Finding of Fact:

1. The property is not located in mapped elk or mule deer winter range. (Ravalli County GIS Data)
2. A notification letter was sent to Montana Fish, Wildlife, and Parks (FWP) requesting comments on May 12, 2009 and September 23, 2009, but no comments have been received.
3. FWP has previously provided recommended "living with wildlife" covenants that are appropriate for this subdivision. (Exhibit A-7)
4. According to the Montana Natural Heritage Program the Grey Wolf and Townsend's Big-Eared Bat were identified as an animal species of concern that could exist in the same section as the proposal. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)
5. The subdivider submitted a sensitive species report prepared by Theresa Blazicevich, of Log Cabin Environmental Consulting, received July 6, 2009. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
6. In her sensitive species report, Mrs. Blazicevich states gray wolves prefer habitat in close proximity to large native ungulates in areas with few roads and human disturbance. This parcel is located near other homes and near three busy roads, the Eastside Highway, Hamilton Heights Road, and Bass Lane and would not be preferred habitat for the wolf. (Sensitive Species Report - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
7. In addressing the Townsend's Big-Eared Bat in her sensitive species report, Mrs. Blazicevich states the bat species of concern prefer woodlands, riparian areas, and caves. This parcel does not have woodlands or caves. The irrigation ditches could provide limited riparian area with insects for feeding bats. Since the ditches will not be disturbed, this habitat should remain. There are buildings on or near the property. Since bats will occasionally nest or roost in buildings, especially in the summer, information about living with bats could be distributed to future owners of the property. (Sensitive Species Report - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486, Exhibit A-8)
3. With this division of land, impacts on wildlife habitat will be minimal. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife

- *The covenants shall include a living with wildlife section. (Condition 2)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Arley Lane and Arley Spur. (Hamilton Heights, Block 2, Lots 6 & 7, AP Preliminary Plat)

Emergency Vehicle Access and Response Time

2. The proposed subdivision will be served by the Corvallis Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Ravalli County Office of Emergency Services, and

Marcus Daly Memorial Hospital EMS Department. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Water and Wastewater

3. The subdivider is proposing individual wells and individual wastewater treatment facilities to serve each lot. (Subdivision Application Form - Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision Application)
4. The subdivider submitted water and sanitation information per MCA 76-3-622.
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Hamilton Heights, Block 2, Lots 6 & 7, AP Subdivision File)

Natural and Man-Made Hazards

6. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety

2. The requirements listed under Roads and Pedestrian Facilities in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic and pedestrian safety. (Staff Determination)

Emergency Vehicle Response Time

3. The requirements listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time. (Staff Determination)

Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)
6. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health & Safety

- *The notifications document shall include a statement regarding radon exposure. (Condition 1)*
- *The notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*

114° 6' 6"

114° 5' 55"

46° 16' 59"

46° 16' 59"



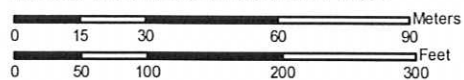
46° 16' 48"

46° 16' 48"

114° 6' 7"



Map Scale: 1:1,610 if printed on A size (8.5" x 11") sheet



114° 5' 55"



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

EXHIBIT A-1

Farmland Classification

Farmland Classification— Summary by Map Unit — Bitterroot Valley Area, Montana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
103B	Subwell gravelly loam, 0 to 4 percent slopes	Farmland of statewide importance	12.6	93.0%
105B	Subwell sandy loam, 0 to 4 percent slopes	Not prime farmland	0.2	1.6%
105C	Riverside-Losttrail complex, 4 to 8 percent slopes	Not prime farmland	0.7	5.4%
Totals for Area of Interest			13.5	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



RECEIVED

JUL 27 2009

IC-09-07-572
Ravalli County Planning Dept.

Ravalli County Fire Council
Ravalli County, Montana
November 2008

FIRE PROTECTION STANDARDS

The Ravalli County Fire Council (RCFC) has adopted Fire Protection Standards (FPS) for all new subdivisions within Ravalli County. These standards were established with consideration for the life and safety of the residents of Ravalli County, as well as the volunteer firemen and firewomen who protect Ravalli County, and to mitigate possible harm to the general public.

In establishing these standards emphasis was given to the National Fire Protection Association (NFPA) 1 Uniform Fire Code and The Ravalli County Subdivision Regulations (as amended May 24, 2007). These codes and regulations establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1 Uniform Fire Code and establishes a minimum fire prevention code for Montana.

ACCESS ROADS

As used in this document, fire apparatus access roads include both internal subdivision roads, and individual driveways leading to structures from County or non-County maintained roads. Where the provisions of this document differ from the provisions of NFPA 1, the provisions of this document shall control.

The Fire District/Department requires that all roads and bridges meet or exceed, and are maintained to, the minimum requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Section 18.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction of a Fire District in Ravalli County.

18.2.2.2 Access To Buildings. A fire apparatus access road shall extend to within 50 ft (15 m) of a single exterior door providing access to the interior of the building.

18.2.2.3.1 Additional Requirements For Access To Buildings. Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building hereafter constructed or moved into or within the

jurisdiction is located not more than 150 feet (46 m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.

18.2.2.4 Multiple Access Roads. More than one fire apparatus access road shall be provided when it is determined by the Fire Chief that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

18.2.2.5.1 Dimensions. To allow the safe passage of fire apparatus to and from an incident, fire apparatus access roads shall have an unobstructed travel surface not less than 20 feet in width (6.1 m) and one-foot shoulders on each side for a total width of 22-feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m) over its entire length.

18.2.2.5.2 Surface. Fire apparatus access roads, including internal subdivision roads and individual driveways, shall be designed and maintained to support the imposed loads of fire apparatus over its entire length and shall be provided with a surface so as to provide all-weather driving capabilities.

- The surface of internal subdivision roads shall meet the specifications of the Ravalli County Subdivision Regulations.
- The surface of individual driveways shall be graded and surfaced with gravel, at a minimum.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Fire Chief. The Board of County Commissioners of Ravalli County set the maximum acceptable road grade at ten percent (10%). The Fire Chief may request that access roads be built to not exceed a grade of 6%. The Fire Chief shall write or otherwise contact the Planning Department with the specific request, and outline the rationale for making such a request. The request shall be made prior to the Commissioners meeting/hearing on the proposal.

18.2.2.5.7 Marking of Fire Apparatus Access Road. The Fire District/Department requests that as soon as construction begins all lots (premises) be posted with a temporary or permanent address at the premises driveway and upon occupancy with a permanent address posted in accordance with the NFPA 1.

Exception: When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and the road standards as stated in the Ravalli County Subdivision Regulations.

BUILDING STANDARDS

The RCFC requests that all residential buildings be built to International Residential Building Code (IRBC) standards in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

FIRE FLOW REQUIREMENTS

At a minimum, every subdivision shall be provided with a water supply for the purpose of fire fighting as specified in NFPA 1. Fire flow requirements will be based upon the smallest lot size in a subdivision. Subdivisions may provide water according to the provisions below, or provide \$900 per lot cash-in-lieu of water.

Single-Family Dwellings:

Acres Per Lot/Density	Required GPM	Fire Flow Requirement Options
20 or more acres per lot	500/one hour	#1 or #2 or #3
5 - 19.99 acres	500/two hours	#1 or #2
1 - 4.9 acres	750/two hours	#1 or #2
.5 - .99 acres	1000/two hours	#1 or #2
.25 - .49 acres	1000/two hours	Hydrants spacing every 1000 feet, and #2
Less than .25 acres	1500/two hours	Hydrants spacing every 500 feet, and #2 or #4

Fire Flow Requirement Options

Option #1. Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year round and the Fire District/Department must have legal access in perpetuity.

Option #2. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 PSI from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and to the County Planning Department prior to the filing of the final plat.

Option #3. 30,000 gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.

Option #4. Water shall be supplied by a community water system. The system shall be capable of delivering the required gpm at a minimum of 20 PSI from approved fire hydrants. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and County Planning.

Single-Family Dwellings Greater Than Two Stories:

In addition to providing water supply according to the above requirements, single-family dwellings more than two stories in height above ground are required to install a residential sprinkler system. The system shall be engineered, installed, fully operational and compliant with the current edition of the applicable NFPA standard.

Buildings Other Than Single-Family Dwellings:

All other developments including multi-family dwellings, commercial, industrial, or mixed use buildings require fire flows higher than 500 GPM for 120 minutes and will have to be engineered by the developer to determine needed fire flows in accordance to NFPA 1 fire flow requirements. The Fire District/Department shall approve of the design for fire flow prior to construction and the fire flow facilities after construction.

Buildings other than single-family dwellings shall be sprinkled according to NFPA standards. Commercial storage units are exempt from sprinkling requirements.

Cash-in-lieu of Water Option:

The Fire District/Department realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$900.00 (Nine Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$900.00 per lot will be due prior to the final plat approval of the subdivision. Funds paid in lieu of the water supply required by the NFPA 1 will be used to maintain or improve fire protection within the District/Department.

Reduced Required Fire Flow with Sprinkler System:

If all habitable structures are sprinkled according to NFPA standards, then up to one half of the water supply requirements will be waived and the in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$450.00 per lot will be due prior to the final plat approval of the subdivision. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$450.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Maintenance:

The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5. A homeowners association must be created. Homeowners association documents shall describe how water supply systems are

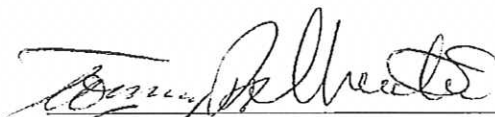
to be maintained currently and in the future, by whom, and how local fire protection authority can be assured that the water supply will function appropriately. An easement for unrestricted use by the fire department, in perpetuity, of the water supply system shall be recorded and noted on the plat. The fire department will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades or other measures necessary to assure the system functions to original specifications.

Ravalli County Fire Council:

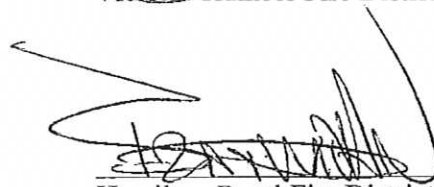
Florence Volunteer Fire District



Stevensville Rural Volunteer Fire District

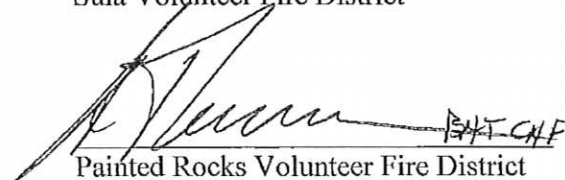


Victor Volunteer Fire District

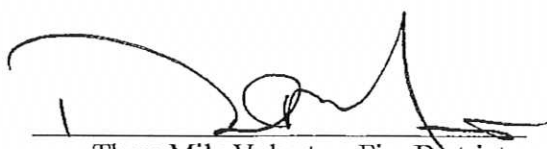


Hamilton Rural Fire District

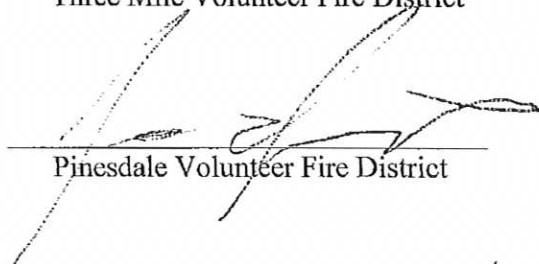
Sula Volunteer Fire District



Painted Rocks Volunteer Fire District




Three Mile Volunteer Fire District



Pinesdale Volunteer Fire District



Corvallis Volunteer Fire District



Darby Volunteer Fire District

West Fork Volunteer Fire District

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AUG 10 2009

IC-07-08-608
Ravalli County Planning Dept.

Budget Per Pupil/Tax Levy Per Pupil

Year 2008-2009

School	Total		Students	
	Budget	Count	October	Budget
Corvallis	9,686,688	1,440	6,727	
Stevensville Elem	4,606,392	639	7,209	
Stevensville HS	3,990,733	457	8,732	
Hamilton	11,455,380	1657	6,913	
Victor	2,516,347	376	6,692	
Darby	3,952,902	457	8,650	
Lone Rock Elem	2,026,281	317	6,392	
Florence	6,245,720	917	6,811	

NOTE: This does not include any federal funds or budget for federal programs.

This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax		Students		Tax Levy		Per Pupil		Total		Tax Levy		Per Pupil	
	Except	Capital	October	Count	County	Levy	Exc	Capital	Capital	Capital	Inc	Capital	Inc	Capital
Corvallis	1,945,571	853,220	1,440	639	960,886	2,018	2,000	158,095	109.79	3,064,552	2,128	2,310	3,028	3,159
Stevensville Elem	1,062,245	3,147,024	457	1,657	321,675	3,028	2,595	934,563	0.00	1,383,920	564.01	5,235,163	866.25	1,141,109
Stevensville HS	554,255	1,227,438	376	457	261,145	412,405	3,588	0	0.00	1,639,843	327.09	772,847	38.38	2,095,013
Hamilton	438,161	1,468,060	317	917	231,000	2,246	2,111	103,686	35.194	2,095,013	2,128	2,310	3,028	3,159
Victor														
Darby														
Lone Rock Elem														
Florence														

NOTES:

- 1 Total Tax except capital - local taxes excluding debt service
- 2 Student October Count - The first official student count day
- 3 County Levy - The county levies for districts retirement and transportation
- 4 Tax Levy per pupil - total tax plus county levy divided by the student October count
- 5 Total Capital - Amount levied for debt service
- 6 Tax Capital per pupil - Cost per pupil for debt service
- 7 Total Tax levy plus Capital Tax - all levied dollars for schools
- 8 Total Tax levy plus Capital Tax - all levied dollars for schools per pupil

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

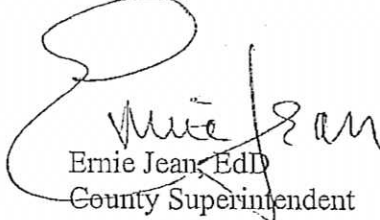

Ernie Jean, EdD
County Superintendent

EXHIBIT A-4

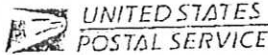
BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.

10-07-06-729



June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

541 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-5

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

Randy Fifrick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2007 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A-6

10/23/2009



**Montana Fish,
Wildlife & Parks**

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
Fax 406-542-5529
September 4, 2009

Leonard Shepherd
Shepherd Survey
320 Adirondac Ave.
Hamilton, MT 59840

Reference: Corvallis Tracts, Lot 4A (Blk 1; Auch)--Proposed major subdivision (9 lots on 10.1 acres; SE4 Sec 9, T6N, R20W; Ravalli Co.) ~2 miles SE of Corvallis

Dear Mr. Shepherd:

We reviewed the preliminary plat and the information you provided for this subdivision. We also reviewed this subdivision in 2006 (letter dated 22 Nov 2006, enclosed) and at that time, recommended the developer include "living with wildlife" covenants for this subdivision. We have made changes to those covenants in the past couple years. Therefore, we recommend using the enclosed 2009 version of the covenants.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, 215 S. 4 St., Ste. F, Hamilton, MT 59840

EXHIBIT A-7

Recommended Covenants for Corvallis Tracts, Lot 4A, major subdivision, suggested by Montana Fish, Wildlife & Park; Missoula; September 4, 2009

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the

transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence. Contact FWP for a brochure or information of building fence with wildlife in mind.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (County Commissioners).

Randy Fifrick

From: Mike Stevenson [mikestevenson94@gmail.com]
Sent: Wednesday, September 30, 2009 12:24 PM
To: Randy Fifrick
Subject: OG-09-09-532

Mr. Fifrick, as a homeowner on Arley lane I have 2 concerns about the proposed 8 lot subdivision. My main concern is water usage. As we all know Montana has been in a drought for the past decade and frankly I worry about mine and my neighbors wells drying up because of the addition of 8 new wells in the area. We simply cannot afford to keep to using more and more water in such a dry location without depleting the aquifer permanently. If our wells go dry who is going to pay? It will be the homeowner of an established well. My second concern is the added traffic on Arley, Harvey and Bass lanes and with the additional "56" trips per day will just increase the likelihood of serious accidents. Try to pull onto Eastside highway during a workday and you will know what I mean, the roads are just not capable of supporting any more traffic. Thank you, Michael Stevenson 503 Arley Ln. Corvallis Mt. 59828

9/30/2009

EXHIBIT B-1

Randy Fifrick

From: Ed and Gwen Bloedel [riversforus@cybernet1.com]
Sent: Friday, October 02, 2009 3:09 PM
To: Randy Fifrick
Cc: mike stevenson
Subject: Proposed subdivision,Hamilton Heights,Block2,lots 6 & 7

We, as homeowners on Harvey Lane, are opposed to this subdivision for the following reasons:

1. Eight new wells on 14 acres right next to us will most likely lower or even deplete our (and our neighbors) wells. This would be an enormous impact on us if we had to pay for a new and possibly deeper well. We propose you put in a stipulation in your approval that requires the developer to drill new wells for the nearby neighbors if his subdivision depletes their wells. Or, as an alternative, require the developer to hire a hydrologist and prove to us that these new wells will not lower our well water supply, BEFORE subdivision approval. 2. Eight homes on 14 acres will block most of our view of the Sapphire Mountains. We ask that you lower the number of homes, or at least require that the new homes be limited to one story in height. 3. The additional 56 vehicle trips per day on the narrow Harvey Lane and on to very busy Bass Lane and/or Hamilton Heights Road, as well as attempting to get out into the traffic flow on the East Side Highway, will negatively effect Public Safety. Thankyou, for letting us comment. Ed and Gwen Bloedel, 574 Harvey Lane, Corvallis MT. 59828, October 2,2009. (may we please have a confirmation that you recieved this E-Mail?)

10/13/2009

EXHIBIT B-2